

**Amendment No. 1 to SB1728**

**Southerland**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1728**

**House Bill No. 1006\***

By deleting subdivision (4) of newly created 62-6-501 in Section 2 in its entirety and renumbering the remaining subdivisions accordingly;

AND FURTHER AMEND by deleting subsection (a) of newly created § 62-6-504 in Section 2 in its entirety and substituting instead the following:

(a) No license may be issued or become effective until the applicant pays all required fees as set by the board for licensing contractors. The biennial license fee shall not exceed two hundred fifty dollars (\$250).

AND FURTHER AMEND by deleting subsection (e) of newly created § 62-6-506 in Section 2 in its entirety and substituting instead the following:

(e) Unless revoked or suspended by the board, a license shall expire the last day of the twenty-fourth month from issuance and may be renewed upon payment of all required fees and upon completion of a statement indicating all material changes from the original application for a license.

AND FURTHER AMEND by deleting newly created § 62-6-513 in Section 2 in its entirety and substituting instead the following:

In addition to the powers and duties elsewhere prescribed in this part, the board may:

(1) Examine the qualifications and fitness of applicants for licenses under this part;

(2) Keep records of all licenses issued, suspended or revoked. These records shall be open to the public for inspection during regular business hours;

(3) Promulgate rules and regulations with respect to license applications, investigation and examination of applicants and their qualifications, and any other matters incidental or appropriate to the board's powers and duties as prescribed

by this part and for the proper administration and enforcement of the provisions of this part, and to amend or repeal any of such rules and regulations;

(4) Receive complaints from the public regarding home improvement contractors, and maintain records of such complaints.

AND FURTHER AMEND by designating the existing language of the newly created § 62-6-516 in Section 2 as subsection (a) and by adding the following language to such section to be designated as subsection (b):

(b) Any county may, by a two-thirds (2/3) majority vote of its legislative body, elect to make the provisions of this part applicable in such county. Any county electing to come within the provisions of this part shall so notify the board.

AND FURTHER AMEND by adding the following as new, appropriately designated sections immediately preceding the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-6-111(a)(2), is amended by deleting the existing language in its entirety and substituting instead the following:

(2) Anyone desiring to be licensed as a contractor in this state shall take a written examination to determine the applicant's qualifications. This examination may be given orally at the discretion of the board if a written examination is precluded by reason of disability. Each applicant shall pay an examination fee for each written and/or oral examination. If the results of the examination constitute a passing score, then such person shall make a written application to the board in accordance with the provisions of (a)(1).

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-6-111(e)(2), is amended by deleting the existing language in its entirety and substituting instead the following:

(2) In the case of a merger, purchase by nonstockholders of the majority interest, or reorganization pursuant to bankruptcy proceeding, of any licensee

engaged in contracting, the licensee shall make written application to the board and obtain a new license before undertaking contracting.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-6-120, is amended by adding the following as a new, appropriately designated subsection:

( ) Any individual or entity that fails to pay a civil penalty assessed by the board pursuant to the terms of a final order entered by the board after a contested case hearing against the individual or entity pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, may be referred to a collection agency.

( ) Failure to pay any civil penalty assessed by the board shall subject the individual or entity to suspension or revocation of a license issued pursuant to this part.

SECTION \_\_\_\_\_. Notwithstanding the provisions of Section 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the home improvement commission created by Section 62-37-116 shall terminate and cease all activities on June 30, 2007.